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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

AMERICAN IMMIGRATION COUNCIL, <i>et al.</i> ,	)	No. 4:20-cv-03266-DMR
	)	
Plaintiffs,	)	<b>JOINT REQUEST TO CONTINUE</b>
	)	<b>FURTHER CASE MANAGEMENT</b>
v.	)	<b>CONFERENCE; ORDER (AS</b>
	)	<b>MODIFIED)</b>
UNITED STATES CITIZENSHIP AND	)	<b>Current CMC Date: March 30, 2022</b>
IMMIGRATION SERVICES, <i>et al.</i> ,	)	<b>Time: 1:30 p.m.</b>
	)	
Defendant.	)	

Plaintiffs American Immigration Council, American Immigration Lawyers Association, and Human Rights Watch (“Plaintiffs”) and defendants United States Citizenship and Immigration Services, United States Customs and Border Protection, and United States Immigration and Customs Enforcement (“Defendants”), by and through their undersigned counsel, hereby STIPULATE and respectfully REQUEST that the Court vacate and continue the Case Management Conference (“CMC”), presently scheduled for March 30, 2022, until August 3, 2022 or as soon thereafter as the Court is available.

This action, filed on May 13, 2020 under the Freedom of Information Act (“FOIA”), concerns four FOIA requests that Plaintiffs directed to Defendants regarding the Migrant Protection Protocols (“MPP”). *See* Dkt. 1. The parties previously submitted a Joint Case Management Statement on September 22, 2021 (Dkt. 43).

1 On January 21, 2021, the Department of Homeland Security suspended new enrollments in the  
2 MPP pending further review of the program. On February 11, 2021, DHS announced a plan to process  
3 into the United States certain individuals who had been returned to Mexico under MPP and have  
4 pending cases before the Executive Office for Immigration Review. On June 1, 2021, the Secretary of  
5 Homeland Security made a determination that MPP be terminated. On August 13, 2021, U.S. District  
6 Court Judge Kacsmaryk issued a nationwide injunction for the reinstatement of MPP. *See Texas v.*  
7 *Biden*, No. 2:21-CV-067-Z, 2021 WL 3603341 (N.D. Tex. Aug. 13, 2021). On December 13, 2021, the  
8 U.S. Court of Appeals for the Fifth Circuit upheld the district court's order. *See Texas v. Biden*, 20 F.4th  
9 928 (5th Cir. 2021). On February 28, 2022, the Supreme Court of the United States granted a petition  
10 for writ of certiorari and set the case for argument during the present court term. *See Biden v. Texas*,  
11 No. 21-954, 2022 WL 497412 (Feb. 28, 2022). A decision in the case is expected by the end of the U.S.  
12 Supreme Court term in June 2022. The government is presently enjoined from terminating MPP and is  
13 required to implement the program in good faith pending the outcome of the U.S. Supreme Court's  
14 decision.

15 The parties are continuing to evaluate the Plaintiffs' requests in light of this ongoing litigation,  
16 and believe that a decision from the U.S. Supreme Court will allow the parties to determine whether and  
17 how to proceed. At this point, the parties do not require judicial intervention. The parties previous Joint  
18 Case Management Statement (Dkt. 43) remains accurate.

19 Accordingly, the parties request that the CMC scheduled for March 30, 2022, be vacated and  
20 continued until August 3, 2022 or as soon thereafter as the Court is available.

21 SO STIPULATED.

22 \* \* \*

1 Respectfully submitted,

2 STEPHANIE M. HINDS  
United States Attorney

3 Dated: March 18, 2022

4 By: /s/ Michael A. Keough  
MICHAEL A. KEOUGH  
Assistant United States Attorney  
Attorney for Defendants

6  
7 Dated: March 18, 2022

8 By: \*\*/s/ David P. Enzminger  
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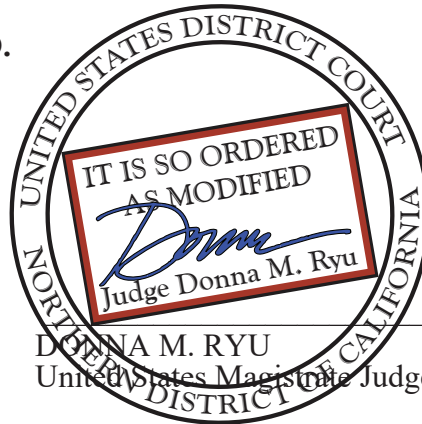
12  
13 \*\* Pursuant to Civ. L.R. 5-1(i)(3), the filer of the document  
has obtained approval from this signatory.

**ORDER (AS MODIFIED)**

IT IS HEREBY ORDERED that the Further Case Management Conference, scheduled for March 30, 2022 at 1:30 p.m. is vacated and continued to August 3, 2022 at 1:30 p.m. in Oakland, by Videoconference only. Parties shall file an updated joint case management conference statement by July 27, 2022.

**IT IS SO ORDERED AS MODIFIED.**

Dated: March 22, 2022



DONNA M. RYU  
United States Magistrate Judge